

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
TOMASZ POSLEDNIK,

Plaintiff,

-against-

THE CITY OF NEW YORK, ANTHONY WRIGHT, and  
JANE DOE,

Defendants.  
-----X

STIPULATION AND ORDER OF  
SETTLEMENT OF ATTORNEYS'  
FEES, COSTS AND EXPENSES

10-CV-2229 (BAF)(LB)

**WHEREAS**, plaintiff commenced this action by filing a complaint on or about May 14, 2010, alleging violations of his constitutional rights; and

**WHEREAS**, defendants have denied and continue to deny any and all liability arising out of plaintiff's allegations; and

**WHEREAS**, pursuant to the Stipulation and Order of Settlement and Dismissal, plaintiff assigned his right to attorneys' fees, costs, and expenses to his counsel; and

**WHEREAS**, counsel for defendants and counsel for plaintiff now desire to resolve the issue of attorneys' fees, costs, and expenses without further proceedings;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, the attorneys of record for the respective parties to the above-captioned action, as follows:

1. Defendant City of New York shall pay to plaintiff's counsel, Reibman & Weiner, the sum total of SIXTY THOUSAND (\$60,000.00) DOLLARS in full satisfaction of plaintiff's attorneys' fees, expenses, and costs. Counsel for plaintiff hereby agree and represent

that no other claims for attorneys' fees, costs, or expenses arising out of this action shall be made by or on behalf of plaintiff against defendants in any application for attorneys' fees, costs, or expenses at any time.

2. In consideration of the payment of SIXTY THOUSAND (\$60,000.00) DOLLARS by defendant City of New York, counsel for plaintiff do hereby release and discharge defendants City of New York and Anthony Wright; their successors or assigns; and all past and present officials, employees, representatives and agents of the City of New York, or any agency thereof, from any and all claims of attorneys' fees, expenses and costs which were or could have been alleged in the aforementioned action.

3. Nothing contained herein shall be construed to be an admission of liability by any defendants, nor an admission that any of the allegations made by plaintiff are true or that defendants in any way violated any rights guaranteed to plaintiff by any constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, the City of New York, or any other rules, regulations or bylaws of any department or subdivision of the City of New York.

4. This Stipulation and Order contains all the terms and conditions agreed upon by the counsel for defendants and counsel for plaintiff hereto, and no oral agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of attorneys' fees, costs, or expenses shall be deemed to exist or to vary the terms and conditions contained herein.

Dated: Brooklyn, New York  
\_\_\_\_\_, 2012

REIBMAN & WEINER  
*Attorneys for plaintiff*  
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(718) 522-1734

By:   
\_\_\_\_\_  
Michael Lumer  
*Attorney for plaintiff*

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Anthony Wright*  
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By:   
\_\_\_\_\_  
Matthew Modafferi  
*Assistant Corporation Counsel*

SO ORDERED:

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE